

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6576 of 1986

Date of decision: 18-2-98

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KANCHANLAL M SOLANKY

Versus

STATE OF GUJARAT

Appearance:

None present for Petitioner

Mr. Mukesh Patel for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/02/98

ORAL JUDGEMENT

The matter was called out for hearing in the first round, second round and lastly in the third round. But no body put appearance on behalf of the petitioner. Perused the special civil application and heard the learned counsel for the respondents.

2. From the special civil application it is clear that the petitioner had retired from service in the year 1984 and thereafter he filed this special civil application before this Court on 23rd December, 1986. The petitioner prays for direction to the respondents to consider his case for promotion to the post of Cooperative Officer from the cadre of Senior Clerk from the date his juniors were promoted. Further prayer has been made for grant of further consequential benefits. Prayer has also been made by the petitioner for quashing and setting aside the order of the respondents dated 25th March, 1986.

3. From the facts of this case I find that juniors to the petitioner were promoted on 21st December, 1978. The petitioner submitted application for promotion to the higher post on 21st January, 1979 which was followed by subsequent reminders dated 28th November, 1979 and 1st January, 1980. The respondents, vide their communication dated 21st January, 1980 had informed the petitioner that he was not entitled for any promotion for the reasons given therein. The petitioner has not challenged that communication during the period when he was in service; and even after his retirement he filed this petition after considerable delay. The petitioner sat silent over his right, till he received the communication dated 25th March, 1986. The petitioner should not have waited for the reply if he was really aggrieved by the action of the respondents not to give promotion to him. Only on the ground of delay and laches on the part of the petitioner to make grievance before this Court, this petition deserves to be dismissed.

4. In the result this special civil application fails and the same is dismissed. Rule discharged. No order as to costs.

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